

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

FEB 14 2018

Mr. Ben Berwick
The Protect Democracy Project
2020 Pennsylvania Ave, NW #163
Washington, DC 20006

Reference: *The Protect Democracy Project v. ODNI*, 1:17-cv-01000-CKK; ODNI Case DF-2017-00283

Dear Mr. Berwick:

This is an interim response to your letter dated May 22, 2017 (Enclosure 1) received in the Information Management Division (IMD) of the Office of the Director of National Intelligence (ODNI) on May 23, 2017.

Your request, as narrowed by the parties' Joint Status Report dated October 25, 2017, is being processed under the FOIA (5 U.S.C. § 552). In accordance with the Court's Order dated December 4, 2017, ODNI has processed an additional 400 potentially responsive pages. Our current review revealed two responsive records.

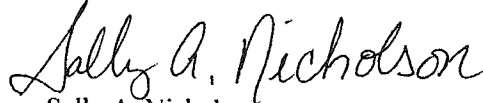
Enclosed you will find the two responsive records which total 16 pages (Enclosure 2). They are being released with redactions. The ODNI identified material requiring withholding pursuant to the following FOIA exemptions:

- (b)(3), which applies to information exempt from disclosure by statute. Specifically, the National Security Act of 1947, as amended, 50 U.S.C. § 3024 (i)(1), which protects intelligence sources and methods, prohibits against disclosure of the redacted information; and
- b)(5), which protects privileged interagency or Intra-Agency information, and
- (b)(6), which applies to information that, if disclosed, would invade another individual's personal privacy.

We will continue to process the remaining documents pursuant to your FOIA request.

If you have any questions, your attorney may contact Anjali Motgi of the Department of Justice at (202) 305-0879.

Sincerely,



Sally A. Nicholson
Chief FOIA
Information Management Division

Enclosures

DF 2017 00283

MAY 23 2017

**The Protect -
Democracy
Project**

May 22, 2017

Jennifer L. Hudson
Director, Information Management Division
Office of the Director of National Intelligence
Washington, D.C. 20511
dni-foia@dni.gov
Fax: (703) 275-1299

Re: Freedom of Information Act request for communications regarding Russian interference with 2016 election

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Office of the Director of National Intelligence and the Executive Office of the President regarding contacts between individuals connected with the Russian government and individuals connected with the Trump campaign or the Trump administration, and/or Russian involvement with, or attempts to influence or interfere with, the national election of November 2016.
- 2) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to talking points or other communications with the public or the media regarding contacts between individuals connected with the Russian government and individuals connected with the Trump campaign or the Trump administration, and/or Russian involvement with, or attempts to influence or interfere with, the national election of November 2016.
- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Office of the Director of National Intelligence and the House Permanent Select Committee on Intelligence (HPSCI) and/or the Senate Select Committee on Intelligence (SSCI), and/or Representative Devin Nunes, Representative Adam Schiff, Senator Richard Burr, Senator Mark Warner, and/or any other members or staff of HPSCI

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ben.berwick@protectdemocracy.org

materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, www.unitedtoprotectdemocracy.org, and to provide information about and analysis of those documents as appropriate.

RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of ODNI that may be reasonably likely to produce responsive results. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-rom.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 599-0466 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

DF 2017-00283

From: foia@protectdemocracy.org
Sent: Monday, May 22, 2017 11:54 PM
To: DNI-FOIA
Subject: Freedom of Information Act Request
Attachments: FOIA - ODNI .pdf

MAY 23 2017

To Whom It May Concern:

Please see the attached Freedom of Information Act request.

Sincerely,

Caroline McKay

The Protect Democracy Project

Sent: Wednesday, December 14, 2016 7:15 PM

To: Price, Ned C. EOP/NSC <Edward_C_Price@nsc.eop.gov>; Media <Media@ucia.gov>; DNI-Media <DNI-Media@dni.gov>

Subject: RE: Chairman Nunes Statement - IC / Russia / hacking

We just got our first query from The Hill on this...

From: (b)(3)

Sent: Wednesday, December 14, 2016 7:14 PM

To: 'Price, Ned C. EOP/NSC' <Edward_C_Price@nsc.eop.gov>; Media <Media@ucia.gov>; DNI-Media <DNI-Media@dni.gov>

Subject: FW: Chairman Nunes Statement - IC / Russia / hacking

Importance: High

Folks:

HPSCI Chairman Nunes just issued the following statement to media. We've yet to receive any media calls, but we'll be asked soon. I recommend (b) (5)

Perhaps the following:

* (b) (5)
[REDACTED]
[REDACTED]
[REDACTED]

ODNI, let us know if this works.

Left unsaid is the fact that Nunes has previously been fully briefed on this matter.

(b)(3)

House Permanent Select Committee on Intelligence Chairman Devin Nunes issued the following statement after Intelligence Community agencies declined a request to brief the House Intelligence Committee tomorrow on cyber-attacks during the presidential campaign:

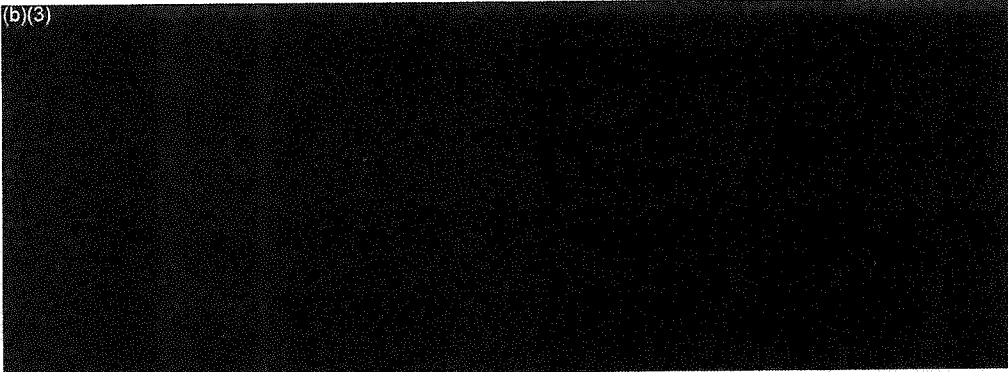
"It is unacceptable that the Intelligence Community directors would not fulfill the House Intelligence Committee's request to be briefed tomorrow on the cyber-attacks that occurred during the presidential campaign. The legislative branch is constitutionally vested with oversight responsibility of executive branch agencies, which are obligated to comply with our requests. The Committee is vigorously looking into reports of cyber attacks during the election campaign, and in particular we want to clarify press reports that the CIA has a new assessment that it has not shared with us. The Committee is deeply concerned that intransigence in sharing intelligence with Congress can enable the manipulation of intelligence for political purposes. The Committee will continue its efforts and will insist that we receive all the necessary cooperation from the relevant leaders of the Intelligence Community."

From: (b)(6)
Sent: Tuesday, January 03, 2017 11:31 PM
To: Raimondi, Marc A. EOP/NSC
Cc: (b)(3); Price, Ned C. EOP/NSC; Media; DNI-Media; (b)(6),
(b)(6) Stroh, Mark E. EOP/NSC
Subject: [AIN] Re: Forthcoming Time Story on Russia

***** This message has been archived. Double-Click the message to view the contents. *****

CLASSIFICATION: UNCLASSIFIED

(b)(3)



(b)(3)



Haven't heard from him either

Sent from my iPad

> On Jan 3, 2017, at 10:37 PM, Raimondi, Marc A. EOP/NSC <Marc_A_Raimondi@nsc.eop.gov> wrote:

>

> Nothing on either my NSC or Justice phones or emails from him.

>

> Marc Raimondi

> National Security Council

> O: 202-456-9162

> M: (b)(6)

> www.whitehouse.gov/nsc<<http://www.whitehouse.gov/nsc>>

>

>

> On Jan 3, 2017, at 10:34 PM, (b)(3)

wrote:

>

> We heard from him weeks ago regarding general background on Putin, but have not heard anything from him regarding any details of the report, and nothing on the points below. No plans on our end to engage.

>

> (b)(3)

>

> From: Price, Ned C. EOP/NSC [mailto:Edward_C_Price@nsc.eop.gov]

> Sent: Tuesday, January 03, 2017 10:30 PM

> To: Media <Media@ucia.gov<mailto:Media@ucia.gov>>; DNI-Media <DNI-Media@dni.gov<mailto:DNI-Media@dni.gov>>; (b)(6)

(b)(6)
<(b)(6) (b)(6)>; Raimondi, Marc A. EOP/NSC
<Marc_A_Raimondi@nsc.eop.gov<mailto:Marc_A_Raimondi@nsc.eop.gov>>

> Cc: Stroh, Mark E. EOP/NSC <Mark_E_Stroh@nsc.eop.gov<mailto:Mark_E_Stroh@nsc.eop.gov>>

> Subject: Forthcoming Time Story on Russia

>

>

>

> All,

>

>

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> A heads-up that Massimo Calabresi of Time just reached out with word that he is finalizing a cover-length story on Putin's Russia. The story will broadly examine Russia's strengths, weaknesses, and future and is in contention for this week's cover story. While most of the piece is about Putin's leadership and Moscow's foreign policy, the piece does have a few details about the electoral meddling and our response that I wanted to flag for this group:

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> * Massimo has heard from two sources (NFI) that the codeword version of the DNI report was ready for delivery to the President as of last week.

>

> * More broadly, he has heard quite a bit about the report, which he described as consisting of four parts and running several dozen pages. He added that the IC is preparing three versions: the codeword version, a less classified version, and an unclassified public summary, the latter of which he described as "thin." The codeword version, he believes, is so compartmented that even the primary author's assistant did not have the access required to handle it.

>

> * Additionally, he is prepared to report that the President in the fall entrusted Admiral Rogers with "ensuring" that Moscow would not be able to tamper in any way with the election itself.

>

> * Further, he has heard that Director Comey during an October 3 PC was in support of the attribution statement, only to express "cold feet" during an October 5 PC. According to Massimo, Comey ultimately signed off on the statement but expressed reservations about potentially doing Moscow's work for it in the act of releasing the statement.

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> Anyone else heard from him or plan to engage?

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From: (b) (6) >

Sent: Friday, December 02, 2016 1:40 PM

To: (b)(6) Price, Edward; 'DNI-Media'; 'Media'; (b)(6)
(b)(6)

Cc: Stroh, Mark E.

Subject:[AIN] RE: CNN on Wyden Letter

***** This message has been archived. Double-Click the message to view the contents. *****

CLASSIFICATION: UNCLASSIFIED

(b)(3)



(b)(3)



No contact here

<>

From: (b)(6)

Sent: Friday, December 02, 2016 1:35 PM

To: Price, Edward ; 'DNI-Media'

; 'Media' ; (b)(6)

(b)(6)

(b)(6)

(b)(6) (OPA) ;

(b)(6) (OPA)

Cc: Stroh, Mark E.

Subject: RE: CNN on Wyden Letter

Copy here. Haven't been contacted by him.

From: Price, Ned C. EOP/NSC [mailto:Edward_C_Price@nsc.eop.gov

]

Sent: Friday, December 02, 2016 1:28 PM

To: 'DNI-Media'; 'Media'; (b)(6)

Cc: Stroh, Mark E.

Subject: CNN on Wyden Letter

I just spoke with Sciutto, who has heard that the Wyden letter requests the declassification of information indicating that the Russian interference was geared to favor President-Elect Trump. Sciutto was initially focused on the Wyden letter, but is now poised to publish a broader story on Moscow's purported preference. His sources include both Congressional as well as Administration (including intel) officials.

I declined to comment but asked that Sciutto keep me updated on his plans.

Please keep me posted if anyone hears more. And, it goes without saying, (b)(5)

(b)(5)

Ned

From: Sciutto, Jim [mailto:Jim.Sciutto@cnn.com]

Sent: Friday, December 2, 2016 12:52 PM

To: Price, Ned C. EOP/NSC >

Subject: connecting today

Hi Ned, I have some new reporting regarding Russia that I want to run by you.

Can I reach you in the next hour? Thanks, Jim

Jim Sciutto

Chief National Security Correspondent

CNN

Email: jim.sciutto@cnn.com

Mobile: (b)(6)

Twitter: @jimsciutto

From: (b) (6) >

Sent: Thursday, December 01, 2016 12:07 AM

To: Breasseale, Todd

Cc: Price, Ned C. EOP/NSC; DNI-Media; (b)(6)
Stroh, Mark E. EOP/NSC

Subject:[AIN] Re: Wyden Letter

***** This message has been archived. Double-Click the message to view the contents. *****

CLASSIFICATION: UNCLASSIFIED

(b)(3)



(b)(3)



DOJ also fine with this approach

Sent from my iPhone

On Nov 30, 2016, at 6:08 PM, Breasseale, Todd
<todd.breasseale@hq.dhs.gov<mailto:todd.breasseale@hq.dhs.gov>> wrote:

Ned,

Thanks for checking.

This is a reasonable approach. No issues.

Todd

From: Price, Ned C. EOP/NSC

Sent: Wednesday, November 30, 2016 5:29:09 PM

To: DNI-Media; (b)(6); 'Media'; (b)(6)
(b)(6)

Cc: Stroh, Mark E. EOP/NSC

Subject: Wyden Letter

Imagine you all might be getting Qs on this one as well. We thought we might be able to (b) (5)

In October, the U.S. Government declassified information regarding Russian Government directed recent compromises of e-mails from U.S. persons and institutions. In this instance, we applied the framework we have used (b) (5)

Any further declassification would need to follow the same framework, consistent with law enforcement and intelligence equities.

From: Spencer Ackerman [mailto:spencer.ackerman@theguardian.com]

Sent: Wednesday, November 30, 2016 3:57 PM

To: Price, Ned C. EOP/NSC <Edward_C_Price@nsc.eop.gov>[mailto:Edward_C_Price@nsc.eop.gov]>

Subject: Fwd: Wyden Leads 7 SSCI Members Calling on the President to Declassify Information re: Russia and the U.S. Election

Ned: Any declassification forthcoming?

Spencer

----- Forwarded message -----

From: (b) (6) (b) (6)
(b) (6) >

Date: 30 November 2016 at 15:54

Subject: Wyden Leads 7 SSCI Members Calling on the President to Declassify Information re: Russia and the U.S. Election

To: (b) (6)

<<http://wyden.senate.gov/>>

For Immediate Release: November 30, 2016

Contact: (b)(6)

Wyden Leads 7 Senate Intelligence Committee Members Calling on the President to Declassify Information re: Russia and the U.S. Election

Washington, D.C. - Sen. Ron Wyden, D-Ore., led 7 members of the Senate Intelligence Committee today, in asking President Obama to declassify information relating to the Russian government and the U.S. election.

Intelligence Committee members Sens. Barbara Mikulski, D-Md., Mark Warner, D-Va., Martin Heinrich, D-N.M., Angus King, I-Maine, Mazie Hirono, D-Hawaii, and ex-officio member Sen. Jack Reed, D-R.I., joined the letter.

"We believe there is additional information concerning the Russian Government and the U.S. election that should be declassified and released to the public. We are conveying specifics through classified channels," the members wrote.

The full letter is here. <<https://www.wyden.senate.gov/download/161129-letter-to-the-potus-re-russian-government-and-the-us-election>>

###

Spencer Ackerman

US National Security Editor

The Guardian

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